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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/828,574	04/21/2004	Douglas Power	CSAZ 2 00202-3	5280

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EXAMINER

KRAMER, DEVON C

ART UNIT PAPER NUMBER

3683

DATE MAILED: 05/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/828,574

Applicant(s)

POWER ET AL.

Examiner

Devon C Kramer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-18 and 20 is/are rejected.
- 7) ☒ Claim(s) 6 and 19 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4/21/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2) Claims 1-5, 7-8, 11-18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogawa et al (WO02/12748). Please note that Ogawa et al (US 6854723) has been used as a functional equivalent to the foreign document.

IN re claims 1-5, 7-8, 12, 15-18 and 20, Ogawa et al provides a vibration isolator assembly comprising: a housing (1), an isolator (21a) connected to the housing for limiting the transmission of vibrations thereto; and a shaft assembly (22) that is adapted for exposure to vibration forces, the shaft assembly including first and second mating components (22b and 3 or 20) first component connected to the isolator and having a cavity of a first dimension for receiving the second component having a second dimension slightly greater than the first dimension for altering stress characteristics of the vibration isolator assembly; and a thin layer of material interposed between the first and second components of the shaft assembly (see the elastomer portion that extends down member 20). The shaft assembly of Ogawa comprises a split member (figure 2a-2c). Note the method of claim 20 is present in the product of Ogawa et al.

The examiner take official notice that by inserting a shaft of a larger diameter into the assembly of Ogawa et al, the spring characteristics change.

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It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided shaft member (30) of Ogawa et al with a larger diameter than the inner diameter of the opening merely to achieve the desired damping and vibration absorbing characteristics. Please note that the method is inherent to the assembly of Ogawa et al.

In re claim 11, Ogawa et al teaches an isolator that is molded to the housing and the first component of the shaft assembly. Please note that molded is treated as conforming to a surface.

In re claims 13-14, Ogawa et al teaches an opening (inner diameter portion of 21b). Ogawa et al lacks the teaching of selecting the dimensions of the second component to relieve molded in tensile stress in the isolator and to impart compressive stress in the isolator.

It would have been obvious to select the dimensions of the second component in Ogawa et al to achieve a desired damping effect as a design choice depending on the environment of use, and since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. IN re Boesch, 617 F.2d 272, 205 USPQ 215 (CCPA 1980) Please note that it is well known in the art to pre-stress elastomer members in mounts to tune the mount to the desired vibrations which one wishes to isolate.

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- 3) Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ogawa et al (WO02/12748) in view of Nakamura et al (5725202).

In re claim 3, Ogawa et al is silent to the material of the housing.

Nakamura et al teaches a metal housing, see col. 4 lines 50-51.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have made the housing of Ogawa et al from metal as taught by Nakamura et al merely to provide a material that is strong and durable.

- 4) Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ogawa et al (WO02/12748) in view of Furuya et al (JP 4321823).

Ogawa et al lacks the teaching of making the housing of Nylon.

Furuya et al teaches making a vibration isolator housing from nylon (abstract).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have made the housing of Ogawa et al from Nylon as taught by Furuya merely as a design choice and to reduce the weight of the mount.

Allowable Subject Matter

- 5) Claims 6 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

- 6) The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Matsumoto and Satori teach mounts with split members.

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7) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Devon C Kramer whose telephone number is 571-272-7118. The examiner can normally be reached on Mon-Fri 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor can be reached on 571-272-7095. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Devon C Kramer
Examiner
Art Unit 3683

DK

DEVON C. KRAMER
PATENT EXAMINER

Devon C. Kramer
5/9/05

